

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ADAM STERLE	:	
	:	CASE NO. 1:22-cv-01654-RLY-MJD
Plaintiff,	:	
	:	
v.	:	JUDGE RICHARD L. YOUNG
	:	
ROCHE DIAGNOSTICS CORPORATION	:	
	:	
Defendant.	:	

**BRIEF IN SUPPORT OF DEFENDANT'S MOTION TO
MAINTAIN DOCUMENTS UNDER SEAL**

I. INTRODUCTION

Plaintiff filed this lawsuit alleging claims for religious discrimination as a result of Roche's mandatory vaccination policy. After requesting an exemption from the vaccination requirement, Roche conducted an accommodation process that included interviews between Plaintiff and attorneys retained by Roche. The attorneys who interviewed Plaintiff made certain notes of their interviews with Plaintiff. Defendant has prepared a Declaration of Ryan Ricchio, who is employed by Defendant, in support of its motion for summary judgment, which it is filing contemporaneously with this motion to seal. The Declaration's exhibit 2 is two pages of attorney notes taken during the accommodation process conducted by Defendant in response to Plaintiff's request for a religious accommodation. The attorney notes contain attorney-client privileged matter and work product and should be filed under seal to prevent public disclosure.

II. BASIS FOR SEALING THE ATTORNEY NOTES

The accommodation process in this case was thorough and overseen by the Roche Accommodation Team. There were 99 exemption requests under the vaccination policy that sought an exemption based on religion. For those 99 positions that Roche considered as potentially

customer-facing, interviews were conducted. As to Plaintiff, two interviews were conducted by attorneys.

Roche considered the attorney interviews to be protected under the attorney client privilege and attorney work product. These notes are protected by the attorney work product privilege and trial preparation materials. Federal Rules of Civil Procedure 26(b). During the course of discovery, the production of these notes arose as an issue and the parties conducted meet and confers with each other as well as having the matter reviewed by the Magistrate Judge. The parties agreed with the Magistrate Judge's assistance that certain portions of the notes contained privileged attorney-client matter that should be redacted and that the remainder of the notes involved work product that would be produced to Plaintiff but remain protected from disclosure to the public.

Although the notes were produced and are admissible in this lawsuit, Roche is seeking to file the document under seal in order to verify that the production of this note does not waive Roche's protection of any other documents protected by the attorney work product or attorney client privilege. Defendant has consulted with counsel for the Plaintiff regarding this motion and counsel for the Plaintiff has no objection to Defendant's motion to seal the two pages of attorney notes which are Exhibit 2 to the Declaration of Ryan Ricchio.

III. CONCLUSION

Good cause exists to maintain the designated documents under seal throughout the course of this litigation because they consist of privileged attorney-client communication and privileged work-product.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of September, 2023, the foregoing was served upon
the following counsel of record by the Court's ECF system:

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